

REMARKS

In the aforesaid Office communication, the examiner indicated and applicant hereby acknowledges the allowance of claims 25-31, 33, 35, 36, 37, 38, and 97. Further, the examiner indicated claims 8-17, 20 and 21 are merely objected to as being dependant upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 8, upon which claims 9, 10, and 11 depend, has been cancelled and rewritten as new claim 106. Claims 9, 10, and 11 have been amended to depend directly from new claim 106. Claims 20 and 21 have also been cancelled and rewritten as new independent claims 107 and 108. Accordingly, claims 106, 9-17, 107, and 108 are now felt to be in allowable form.

Claims 1-7, 18, 19, 22, 23, 94, and 95 have all been rejected based on the newly cited patent to Lange either alone or in combination with other references, but for reasons to be explained hereafter, none of the prior art references is felt to anticipate or render obvious the subject matter of claim 1 upon which the remaining rejected claims are directly or indirectly dependant. Accordingly, each of these claims is also felt to be allowable. Claim 1 has been amended in minor ways to make the subject matter thereof more clear.

While the examiner has rejected claim 1, upon which all of the other rejected claims are dependant, under Section 102 as being fully anticipated by the patent to Lange, applicant does not concur. The Lange patent is directed to an apparatus for applying fluids to vertical surfaces wherein the apparatus includes a spraying unit 12 that is movable vertically by lifting the unit with a lift cable 25 and guiding its vertical movement with guide cables 35. The lift cable is connected at a centered location along the top edge of the unit such that a wench mounted at the top of the apparatus can retract or extend the lift cable 25 thereby lifting or lowering the spraying

unit, respectively. The guide cables are slidably related to the spraying unit and therefore have no function in lifting or lowering the unit. The unit lowers by gravity.

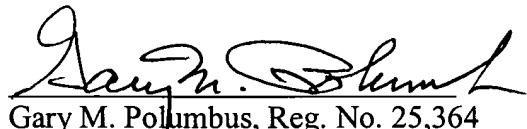
The vehicle washing system described in claim 1 provides for a movable platform having a left end and right end with the platform being capable of vertical movement relative to the frame. The platform is suspended from the frame generally proximate one end and supported from below the frame generally proximate an opposite end. While the examiner has stated in the comments in support of the rejection that the Lange system is suspended from above the frame proximate the top end and supported from below the frame generally proximate the bottom end, this is not felt to be the case. First of all, the ends referenced in claim 1 are the left end and the right end and not the top and bottom of the unit. Further, the Lange system does not support the unit at the so-called bottom end as stated by the examiner. Rather, the spraying unit is only suspended from a single centered location along the top edge of the unit. Even though claim 1 as originally filed is felt to be clearly patentably distinct from the Lange reference, the claim has been amended to make it clear that the one end could be the left or right referenced end of the platform and the opposite end is the other of the left or right end of the platform. Even though the amendments to claim 1 are felt to more clearly point out the fact that the “one end and the opposite end” mentioned in the claim refer to one or the other of the left end or right end of the platform, clearly the Lange system does not even support or suspend its spraying unit from two locations, let alone from two locations that are identified at proximate the left and right ends of the platform. Accordingly, claim 1 is felt to be clearly patentably distinct from not only the Lange patent but the other prior art known to applicant and therefore is in allowable form. The remaining claims 2-7, 18, 19, 22, 23, 94, and 95 being either directly or indirectly dependant upon claim 1 are felt to be allowable for the same reasons.

Appl. No. 09/849,763
Amdt. dated April 26, 2004
Reply to Office Action of January 26, 2004

All of the claims remaining in the application now being felt to be in allowable form, and there being no other objections or rejections of the application, it is felt to be in condition for allowance and such action is courteously requested.

Dated this 26th day of April 2004.

Respectfully submitted,



Gary M. Polumbus, Reg. No. 25,364
USPTO Customer No. 20686
Tel: (303) 628-1500
Fax: (303) 629-3450
e-mail: polumbus.gary@dorsey.com

GMP/dtc

cc: Mark VII Equipment, LLC

IP Docketing-DV